



# STATUS OF INDIAN PRINCES

BY  
PYARELAL NAIR



JAVAJIVAN PRESS  
AHMEDABAD







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## FOREWORD

The following seven chapters are a result of Pyarelal's deep study of the status of the Princes of India. They should have been published in pamphlet form long ago, and would have been but for my preoccupation. The writer is himself behind gaol walls. Therefore they are being published as they were written. They are an evergreen. They give to the busy public worker or student, in a compact form, an idea of the status of the Princes of whom there are nearly six hundred. The chief merit of the pamphlet is that it contains nothing but what is taken from authentic records. The existence of this gigantic autocracy is the greatest disproof of British democracy and is a credit neither to the Princes nor to the unhappy people who have to live under this undiluted autocracy. It is no credit to the Princes that they allow themselves powers which no human being, conscious of his dignity, should possess. It is no credit to the people who have mutely suffered the loss of elementary human freedom. And it is perhaps the greatest blot on British rule in India. But we are too near the event to realize the falsity called 'Princes' India' or 'Indian India'. The system will break under its own intolerable weight. My humble non-violent effort is to induce all the three parties to wash the triple sin. Even one of them can take the decisive step and it will affect all. But it will be glorious if the three together realize the enormity of the sin and by a combined effort wash it.

Sevagram, Wardha  
23-2-'41

M. K. GANDHI



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## PARAMOUNTCY AND NON-INTERVENTION

Recent developments in connection with some Indian States have once again brought to the fore the question of the sovereign rights of the Princes and the nature of the treaty obligations that the Paramount Power has incurred with regard to them. Three questions have definitely arisen out of these happenings. First, has the Paramount Power the right of intervention in internal affairs of the States; secondly how far is it bound to help them, against the legitimate aspirations of their subjects; and, lastly, does it owe any corresponding duty towards the people of the Indian States against the autocracy of their rulers. Taking Lee Warner as our guide, let us seek an answer to these questions. We know that much has been done and written since Lee Warner wrote his book, *Princes of India; The Protected*. Yet at this juncture an examination of the facts arrayed by him in that book cannot fail to throw some light on the situation that has arisen.

According to Lee Warner, the sources from which the rules or principles that govern British relations with Indian States are derived fall under three categories.

First of all come the treaties, engagements and Sanads entered into with them by the Paramount Power; secondly, there are the decisions passed from time to time by the Paramount Power in matters of succession and other things; and thirdly, there is the custom and usage as it develops with the growth of society, and which may be observed in their intercourse. This last one is important in as much as, if a conflict arises between the evidence of writing and

the evidence of usage, superior weight is given to the latter whenever the final decision rests with the Executive Government. All conventions are of course subject to the action of constitutional law. Lastly, although a treaty cannot bind a State which is not a signatory to it, the customary treatment accorded to the leading sovereigns naturally provides a basis for dealing with other States under similar or analogous conditions. As a result of the operation of all these factors, as has been pointed out by Lee Warner, 'no Native State in the interior of India enjoys the full attributes of complete external and internal integrity.'

### **Basis of Sovereignty**

The transfer of the Government of India to the Crown after 1857 constituted a turning point in the policy of the British Government in India. It was then that Lord Canning, in order to allay the fears which the annexationist policy of Lord Dalhousie had aroused in the minds of Indian Princes, decided to cover India with adoption sanads, addressed to all important ruling Chiefs. Previous to that, summary annexation was the only remedy for ending any gross misrule in Indian States that might result from the British policy of 'non-intervention.' The one was the corollary of the other. The meaning of the granting of these Sanads, observes Lee Warner, was that 'the Princes of India, assured of the royal interest in the welfare of their own Houses, might henceforth feel satisfied that any representations made to them as to the contentment of their subjects were inspired by a genuine desire for their own personal welfare, which was no less an object of concern to the Queen. That a removal of any dread of annexation by a guarantee of adoption was not to be made an excuse for insubordination or misrule was made amply clear by Lord Canning. On the 30th of April 1860 he wrote, 'The proposed measure will not debar the Government of India from stepping in to set right such

serious abuses in a Native Government as may threaten any part of the country with anarchy and disturbance, nor from assuming temporary charge of a Native State when there shall be sufficient reason to do so. . . . We have repeatedly exercised the power . . . and it is one, which it is very desirable that we should retain. It will, indeed, when the proposed assurance shall have been given, be more easy than heretofore to exercise it.'

### Baroda and Mysore

Since the spirit which suggested these Sanads has guided British relations with other States besides those which received the guarantee, it will be interesting to examine the terms of some of the more important of these. Let us take the Patiala Sanad dated the 5th of May, 1860. Whilst the British Government in terms of this Sanad recognized full sovereignty within the dominions of the Maharaja and his heirs, and undertook to receive no complaints from any of the subjects of the Maharaja, His Highness engaged on his part to 'execute justice and promote the happiness and welfare of his people.' The deposition of the Gaekwar in consequence of misrule and not on account of disloyalty is another instance in point. Malhar Rao Gaekwar was publicly tried by a court on a charge of abetting attempt to poison the representative of the Government. A fact-finding commission was appointed. The commissioners were not unanimous in their conclusions and in a Proclamation dated 19th April 1875 the supreme Government formally and publicly abandoned the charge of disloyalty. But the Gaekwar was subsequently deposed on the grounds of 'notorious misconduct, gross misgovernment of the State and evident incapacity to carry into effect the necessary reforms.'

In the case of Mysore the ruling Maharaja was deposed in 1831 on the ground of inefficiency and misrule, and on his death in 1868, his adopted son

was recognized as his successor. In the deed of transfer with which the Marquis of Ripon finally restored the country to its own ruler, a clause was introduced, requiring the Maharaja among other things, 'at all times to conform to such advice as the Governor-General-in-Council may offer him with a view to the management of his finances, the imposition of taxes, the administration of justice, and any other objects connected with the advancement of His Highness's interests, the happiness of his subjects and his relations to the British Government.'

'The rapidity of annexation warned the British,' comments Lee Warner on this phase of British policy towards the Indian States, 'that a change of policy was needed. The States must be saved even against themselves from the penalty of annexation and the protecting power must escape from *the reproach of supporting oppression* by the exercise of timely intervention.....The danger of the first period was anarchy, while the danger which followed the extension of protectorate was sterility and a sense of irresponsibility in the minds of sovereigns protected as they were against rebellion and assured of independence in their internal affairs.'

### Grounds of Intervention

Lee Warner enumerates five distinct categories of obligations which in the past have led the British Government to exercise its right of interference in the internal administration of Indian States. They are:

1. The right of intervention to prevent the injury or dismemberment of a State.
2. The right of intervention to suppress rebellion.
3. The right of intervention to check gross misrule.
4. The right of intervention to suppress inhuman practices.
5. The right of intervention to secure religious toleration.

### Rebellion and Gross Misrule

As regards the obligation to intervene to suppress a rebellion, the criterion that has been laid down is that the British Government will intervene only when the local authority is unable to restore order and provided its intervention is accepted as final. Should the rebellion be found to be justified by a good cause the measures taken will be as gentle as may be consistent with the re-establishment of order, 'while the necessary reforms will be introduced, even if they involve the deposition of the chief.' Thus in 1875, a set of Hindu devotees called Sidhs decided by way of protest against the Bikaner State authorities to commit suicide by self-burial. The Bikaner Darbar appealed to the British authorities for help. Thereupon the Political Agent was directed to inquire into the grievances of Sidhs, and if he found them to be substantial, to annex to the grant-in-aid for restoring order a condition, that 'the Darbar would be advised to redress any legitimate grievance.' In 1835, Hari Rao Holkar, threatened by his subjects, invoked the Company's aid but was told that as his own administration had produced disorder, the British Government could not interfere.

But the subjects of Indian States are nearly always ready to endure gross oppression without calling attention to the fact by recourse to such a violent measure as open rebellion. 'Where there is gross misrule,' observes Lee Warner, 'the right or duty of interference arises, notwithstanding any pledge of unconcern or 'absolute rule' which treaties may contain.' And again, 'Whatever single expressions and clauses may be extracted in favour of the absolute right of the protected sovereigns to govern as they please, the treaties themselves and the parties who signed or ratified them, have persistently held the view that under certain well understood but undefined conditions, the British Government has a right of interference, or,

in other words, that the sovereigns in alliance with the Queen are under obligation to the Paramount Power to order and arrange their internal concerns so as to render such intervention unnecessary.'

To take only one instance, when the State of Kashmir was created, the Maharaja was informed by the Treaty of Amritsar of 1846 that he received it 'in independent charge.' Yet two years later the Governor-General informed the Maharaja that, 'in no case will the British Government be the blind instrument of a ruler's injustice towards his people, and if, in spite of friendly warnings, the evil, of which the British Government may have just cause to complain, be not corrected a system of direct interference must be resorted to.' 'There is no obligation,' wrote Lord Hardinge on the 7th January 1848 to the Maharaja of Kashmir, 'on the part of the British Government, to force the people to submit to a ruler who has deprived himself of their allegiance by his misconduct.' Writing to the Gaekwar of Baroda on the 25th July 1875 Lord Northbrook laid down the obiter dictum that 'misrule on the part of a Government which is upheld by the British power, is misrule, in the responsibility of which the British Government becomes in a measure involved.' Earlier, the annexation of Oudh was justified, as the 'only means of removing the reproach to which the British Government was exposed by supporting with its arms and protection—a system of tyranny.'

### Conclusion

To sum up then, the relationship that unites the British Government and the Indian States may thus be described as 'a nexus of rights and duties which have expanded and will continue to expand as the circumstances which surround the union vary in the course of years.' The assumption of the Imperial title in 1858 established an identity of interests between

British India and the Indian States. One common purpose, that Lord Lytton called attention to in his speech delivered at Delhi on 1st of January 1877, was 'to unite them in the active promotion of the progress and welfare of the Indian populations.' Since the British Government has accepted the establishment of self-government as the goal of its Indian policy, it cannot, it follows, help or allow the Princes to suppress non-violent popular movements for the attainment of responsible Government in their States.

Segaon, 10-2-'39



## THE ACID TEST

In a previous article in *Harijan* I tried to examine the proposition as to whether the Paramount Power had any right of intervention in the internal administration of Indian States and whether it did not owe a duty towards the people of the Indian States corresponding to its obligation to preserve the 'dignity and privileges' of the rulers of these States. Taking Lee Warner's classic work *The Protected Princes of India* I showed in that article that the answer to both these questions was in the affirmative. Not only did the Paramount Power fully reserve to itself the right to intervene to check gross misrule and oppression in Indian States, but the very title of these rulers to rule was conditional upon their maintaining within their territories a certain standard of enlightened administration commensurate with the declared ideals of the Paramount Power itself.

Epoch-making changes have taken place since then. In the face of a world cataclysm that threatens to swamp Western civilization, the British Government has been challenged to restate its war and peace aims and to make good its professions by a clear declaration of its attitude with regard to the demand for Indian independence. Attempts have been made by some pillars of reaction to evade a straight answer to this challenge by trotting forth, among other things, the 'difficulty' presented by the problems of the Indian States, and to fasten the blame on the Congress for its 'failure to come to terms' with the Princes, while the Paramount Power is depicted as vainly struggling to perform its democratic mission in respect of India under the tremendous handicap of its 'treaty obligations towards the Princes.'

A little examination of the question of Indian States in its historical perspective will, however, show that these so-called 'difficulties' are unreal.

The policy of the British Government towards the Indian States has passed through three distinct phases. From the original plan of non-intervention in all matters beyond its own 'ring fence' it passed to that of 'subordinate isolation' initiated by Lord Hastings. The transfer of Government to the Crown by the Statute of 1858 marked a further stage in the evolution of that policy. The British Power emerged, after the rising of 1857, as the one unquestioned paramount authority in the country. This, coupled with the 'restless activity' that dominated the administration of the United Kingdom, at the outset naturally inspired some misgivings as to the intention of the Crown towards the principalities placed in subordinate alliance with it. The King of Oudh had lost his kingdom because he could not keep abreast of British conceptions of a ruler's duties to his people. The Indian Princes might, it was recognized, well feel that closer relations with the Crown would only mark the beginning of the end of their rule. To reassure them Lord Canning took a decisive step. He covered India with his adoption sanads, assuring all important ruling Chiefs of Her Majesty's desire to see their rule perpetuated. The object of this move, as is pointed out by Lee Warner, was that the Princes of India, 'assured of the royal interest in the welfare of their own Houses might henceforth feel satisfied that any representations made to them as to the contentment of their subjects were inspired by a genuine desire for their own personal welfare which was no less an object of concern to the Queen.' Lord Canning made it quite clear that a removal of any dread of annexation by a guarantee of adoption was not to be made an excuse for insubordination or misrule. This proposed measure, observed Lord Canning in an official despatch, dated 30th of

April 1860, did not debar the Paramount Power from exercising its power to step in to set right serious abuses in the State nor even from taking temporary charge of it, 'when there shall be sufficient reason to do so.' 'But it will indeed,' he went on to add, 'when once the proposed assurance shall have been given, be more easy than heretofore to exercise it.'

The principle enunciated by Lord Canning in his despatch of 1860 has continued to rule the relationship of the Paramount Power with the Rulers of Indian States to this day. The Butler Committee's Report of 1929 was in many respects a highly unsatisfactory document from the people's point of view. Its terms of reference precluded an inquiry into the duties and obligations of the Paramount Power towards the States people, and their representatives were not heard. The correctness of its findings that the relations of the Princes are directly with the British Crown and not with the Government of India, has been questioned by eminent Indian jurists. It has been pointed out that the historical survey of the relationship given at the beginning in that report provides no justification for the opinion therein propounded. Moreover, a rigid adherence to that opinion in all its implications would mean a complete negation of the declared goal of the British Government's policy, viz. attainment by India of Dominion Status on a par with that enjoyed by other self-governing Dominions. But in spite of this obvious bias, its findings on the nature and scope of Paramountcy are so clear and decisive as to deserve recapitulation here. It summarily dismissed the claim, put forward on behalf of the Princes, to be recognized as 'independent sovereigns' having an international or at least some sort of 'quasi-international' status. As against this it upheld the doctrine, enunciated by Lord Reading in his celebrated letter to the Nizam, that 'the sovereignty of the British Crown is supreme in India, and therefore no

Ruler of an Indian State can justifiably claim to negotiate with the British Government on an equal footing.' It laid down the dictum that 'Paramountcy must be paramount. It is not in accordance with historical facts that when the Indian States came into contact with the British Power they were independent, each possessing a full sovereignty and a status which a modern international lawyer would hold to be governed by international law. In fact none of the States ever held international status. Nearly all of them were subordinate or tributary to the Moghul Empire, the Mahratta Supremacy or the Sikh Kingdom and dependent on them. Some were rescued, others were created by the British.' And again, 'Sovereignty is divisible, independence is not. . . . Accordingly there may be found in India every shade and variety of sovereignty, but there is only one independent sovereign, the British Government.'

It likewise rejected the contention that 'Paramountcy of the Crown was strictly limited by the terms of their treaties and engagements and therefore the Crown had no other rights or powers over them outside these treaties and engagements, based on 'usage', 'sufferance' and 'other causes.' Instead, it adopted the position set forth by Prof. Westlake in his dictum that 'there is a paramount power in the British Crown of which the extent is wisely left undefined. There is a subordination in the native States which is understood but not explained.'

'The relationship of the Paramount Power with the States,' it went on to observe, 'is not a merely contractual relationship, resting on treaties made over a century ago. It is a living growing relationship, shaped by circumstances and policy, resting, as Prof. Westlake has said, on a mixture of history, theory and modern fact. The novel theory of a Paramountcy agreement, limited as in the legal opinion, is unsupported by evidence and is thoroughly

undermined by the long list of grievances placed before us which admit a paramountcy extending beyond the sphere of any such agreement, and in any case can only rest upon the doctrine, which the learned authors of the opinion rightly condemn, that the treaties must be read as a whole.' 'We cannot agree that usage in itself is in any way sterile. Usage has shaped and developed the relationship between the Paramount Power and the States from the earliest times almost in some cases, as already stated, from the date of the treaties themselves. Usage and sufferance have operated in two main directions. In several cases, where no treaty, engagement or sanad exists, usage and sufferance have supplied its place, in favour of the States. In all cases usage and sufferance have operated to determine questions on which the treaties, engagements and sanads are silent, they have been a constant factor in the interpretation of these treaties, engagements and sanads. . . .

It is not in accordance with historical fact that paramountcy gives the Crown definite rights and imposes upon it definite duties in respect of certain matters only, viz. those relating to foreign affairs and internal security, unless those terms are made to cover all those acts which the Crown through its Agents has considered necessary for imperial purposes, for the good government of India as a whole, the good government of individual States, the suppression of barbarous practices, the saving of human life, and for dealing with cases in which rulers have proved unfit for their position. It is not in accordance with fact to say that the term 'subordinate co-operation' used in many of the treaties is solely concerned with military matters. The term has been used consistently for more than a century in regard to political relations.

Following these findings, the Committee set down a long catalogue of rights and powers as acquired by usage and sufferance and by virtue of Paramountcy, though they were not warranted by the strict terms and letter of the treaties, engagements and sanads. Some of the most illuminating paragraphs in the report were, in fact, devoted to an exposition of the obligations of the Paramount Power to intervene in the case of maladministration or in order to enforce popular demands in States. It reminded the Princes 'that on Paramountcy and Paramountcy alone the States rely for their preservation, through the generations that are to come. Through Paramountcy alone is pushed aside the danger of destruction and annexation.' But this act of guaranteeing to the Princes their continued existence brought into operation another corresponding set of obligations towards the people too. 'The guarantee to protect a Prince against insurrection carries with it an obligation to enquire into the causes of insurrection and to demand that the Prince shall remedy legitimate grievances, and an obligation to prescribe the measure necessary to the result.' It cited with approval the celebrated remark of a previous Viceroy (1873-75) addressed to the Gaekwar that 'misrule on the part of a Government which is upheld by the British power is misrule in the responsibility for which British Government becomes, in a measure, involved,' and reiterated Lord Minto's dictum, enunciated in his Udaipur speech of the 3rd November 1909, that 'the Imperial Government would not consent to incur the reproach of being the indirect instrument of misrule' in the States by guaranteeing to the Princes their internal independence and undertaking their protection against external aggression without a corresponding insistence on 'a general soundness of their administration.' Such intervention was in the interests of the Princes themselves, no less than those of the people, as was evidenced by

the fact that the Committee had heard comments from some of the Princes themselves that, 'in certain of these cases, intervention should have taken place sooner than was actually the case.'

So much for the exercise of the Paramountcy's function of intervention in the case of oppression or gross misrule. What about the Paramount Power's duty in the event of a wide-spread demand on the part of the States' people for political reforms? How far is it bound to maintain unimpaired the privileges, rights and dignities of Princes to the suppression of the legitimate political aspirations of the States' people? The finding of the Committee on this point too was equally emphatic and clear :

'The promise of the King Emperor to maintain unimpaired the privileges, rights and dignities of the Princes carries with it a duty to protect the Princes against attempts to eliminate them and to substitute another form of Government. If these attempts were due to misgovernment on the part of the Prince, protection would only be given on the condition set forth in the preceding paragraph. If they were due not to misgovernment, but to a wide-spread demand for change, the Paramount Power would be bound to maintain the rights, privileges and dignity of the Princes, but it would also be bound to suggest such measures as would satisfy demand without eliminating them.'

May one then ask what prevents the Paramount Power from 'giving advice' to the Princes that would 'without eliminating them' bring their administration into line with the administration in the autonomous provinces in British India and make their fusion into a harmonious whole possible? In view of the unquestioned power which the Paramount Power possesses to 'exert pressure' on the Princes and which, as the Butler Committee pointed out with satisfaction, it has exercised in the past in the interest

of good government and progress, it dare not withhold the exercise of that power now without incurring the odium of maintaining a system of despotic and arbitrary rule in States India at a time when it professes to be fighting for the safeguarding of democracy in the world. The only honest and consistent course before it, as was suggested by *The Manchester Guardian* as far back as 1928, is to say to the 'Princes: 'We entered into certain engagements with you because of our position as rulers of British India. The time is coming when we must hand over the rule of British India to its inhabitants. We give you notice now so that you may make new arrangements with our successors. We will help you as far as we can to get fair terms, but your future must depend chiefly on your success in securing the goodwill of your subjects.'

Segaon, 3-12-'39



## A MAHARAJA SPEAKS

The Maharaja Saheb of Bikaner loves to appear before his people and the world as the Warrior Prince. His speech in proposing the toast of 'Victory to the Empire' at the banquet held on New Year's Day in his capital, has been described by a press wag as a 'war whoop' and has provided a theme for the genius of at least one cartoonist. It, however, contains some commendable sentiments which are all the more welcome after some of his recent utterances which, to say the least, were unfortunate. His plea for mutual understanding and removal of distrust, his reiteration of his faith in an undivided and 'united India,' and the goal of Swaraj, will be warmly endorsed by every patriotic Indian. But he did not stop there. He went out of his way to charge the Congress with striking a 'jarring note' 'notwithstanding all the efforts of His Majesty's Government and of His Excellency the Viceroy to secure the co-operation of all parties and interests in India.' The kernel of his speech was contained in the following sentences :

'It is further to be hoped that the feeling of distrust and hostility which unfortunately mars the political atmosphere in India may disappear, making it possible at no distant date to achieve Dominion Status which must be our goal and which has been promised to us definitely. But I am bound to add that it is necessary that the benefits of such a development should be assured to all alike, and be not the exclusive monopoly of any one political party or community, and that it should be shared to the fullest extent and in the most fair manner possible by all classes and communities, with all their rights

and interests adequately and definitely safeguarded, and without any one party dominating the other. In this must also be included the Indian States, which enjoy a position of unchallengeable equality with the rest of India and which constitute a very important part of it.'

One wishes that the Maharaja Saheb had shown a better appreciation of the scruples of those who have learnt to weigh all issues in the scale of moral values. In his speech he proudly referred to himself and the Princely Order to which he belongs as 'us of the Empire.' One wonders if he realized that Britain has openly repudiated imperialism and today claims to be engaged in fighting the battle of democracy in the world. The Princely Order are never tired of proclaiming their loyalty to Britain. That loyalty would be little worth if it were confined merely to making contributions from their general State revenues to Britain's war chest and sending their unenfranchised subjects to the front. Men who are still in bondage can make but poor instruments for fighting the fight for democracy. We are living in an era of moral values. The assiduous efforts that are being made by both sides in the present fight to win and keep with them the world's conscience is a proof of it. Loyalty to Britain, therefore, must include loyalty to its declared aims and ideals. Judged by this criterion where does the Princely Order stand today? How far have the Princes loyally and faithfully carried out the ideals and policies presented to them by the Paramount Power?

Over forty years ago, in a memorable speech at Gwalior, Lord Curzon declared:

'The native Prince cannot remain vis-a-vis of the Empire, a loyal subject of H. E. H. the King Emperor, and vis-a-vis of his own people, a frivolous and irresponsible despot. He must justify and not abuse the authority committed to him. He must be

the servant as well as the master of his people. He must learn that his revenues are not secured to him for his own selfish gratification, but for the good of his subjects; that his internal administration is only exempt from correction in proportion as he is honest, and that his gadi is not intended to be a divan of indulgence, but the stern seat of duty. His figure should not be merely known on the polo ground or on the race course or in the European hotel. His real work, his Princely duty, lies among his own people. By this standard shall I at any rate judge him. By this test will he in the long run as a political institution perish or survive.'

Pronouncements affirming the above policy and embodying the above principle have been made too by Lords Hardinge, Northbrook, Harris, Cranbrook, Mayo, Chelmsford and Reading. A little over a quarter of a century after Lord Curzon the Irwin Memorandum, circulated to Indian States, made some recommendations that have been described as a model of sound and friendly advice to the Princes. 'There must be a reign of law and order,' advised the Memorandum, 'based either expressly or tacitly on the broad goodwill of the community. Individual liberty and rights must be protected; and the equality of all the members of the State before the law be recognized.' To secure this 'a strong and competent judiciary, secure from arbitrary interference by the Executive and irremovable so long as they do their duty' was to be maintained. Taxation was to be 'light as circumstances permit, easy of collection and certain and proportionate to the means of the taxpayer to pay.' 'The personal expenditure of the ruler should be,' it was wisely stated, 'as moderate as will suffice to maintain his position and dignity,' so that 'as large a proportion as possible of the State revenues may be available for the development of the community.' ....The Princes were further advised that 'there

should be some effective means of ascertaining the needs and desires of their subjects and of keeping close touch between the Government and the governed.'

In response to the Irwin Memorandum, in February 1928, the Chamber of Princes passed a resolution which urged upon the Princes:

'(a) A definite Code of Law guaranteeing liberty of persons and safety of property, administered by a judiciary independent of the Executive.

(b) The settlement upon a reasonable basis of the purely personal expenditure of a Ruler as distinguished from the public charges of administration.'

How many of the 562 Princes, that constitute the Princely Order and on whose behalf the Maharaja Saheb spoke, may one ask, have carried out the recommendations made in the Irwin Memorandum which were very properly called 'the minimum of good government applicable to all States', or even the resolution passed by their own Chamber? 'The utter disregard' shown by the majority of the Princes in carrying out the terms of the Chamber's resolution has provoked some candid comments from a member of their own order who characterized it as a 'political blunder' calculated 'to weaken their position at least from a moral point of view.\*' According to figures embodied in the Butler Committee's Report, only in 56 States has even an attempt been made to have a fixed Privy purse for the Prince. The Butler Committee found that many of the States had no properly arranged archives, and one is afraid that not many of the budget and other financial statements issued by the various States would stand the test of an independent system of auditing and account. The actual cost to the States people of maintaining the institution of royalty would probably be found to be much higher than is shown by the amounts allotted under the head, Privy purse.

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\*Maharaja Kumar Raghubir Sing: *Indian States*. p. 89

Even so the following figures gleaned by Shri P. L. Chudgar ( 1930 ) from the published reports of the various States, of the percentage that palace and personal expenses of the Prince bears to the total revenue, are revealing: Kashmir 20; Bikaner 20; Indore 17; Alwar 25; Patiala 25; Kapurthala 25; Cutch 25; Nawanagar 45.

Coming to the question of civil liberties and representative institutions, the number of States that have constituted High Courts 'more or less on British Indian models' is set down in the Butler Committee's Report as 40 and that of States that have separated executive from judicial function and set up legislative councils respectively as 34 and 30. But the fact remains, as has been pointed out by Prof. Arthur Keith, that 'in no case is there a State constitution which is binding on the rulers,' and that in the vast majority of States 'there is nothing corresponding to the rule of law as it prevails in British India,' so that, when the Government of India Act was drafted, 'it was found impossible to provide for a statement of fundamental rights, since these could not be accepted by the States.'

Take the case of Bikaner itself. Following the recommendations of the League of Nations, the British Government agreed to the abolition of 'slavery and conditions and practices analogous to serfdom' throughout the British Empire. All forced labour including the system of *begar*, i. e. 'unpaid or underpaid labour,' was likewise to be abolished forthwith. Has it been done in the Bikaner State? Are not practically all Harijan classes in the State still made to render *begar* or 'forced labour'? Are not conditions approximating to slavery and serfdom still rampant there? We dare say that a commission of inquiry to ascertain the legal status *de jure* and *de facto* of such sections as *daroga*, *chela* and *ravana* would not be unfruitful of results.

The Maharaja Saheb has claimed for the States an unchallengeable equality with the rest of India, and demanded that the benefits accruing from India's new political status should be shared by all alike and not be the exclusive monopoly of any political party or community. That is precisely what the Congress stands for. Surely, the expression 'States' includes States subjects. Let the Princes come forward as real trustees and servants of their people, as Lord Curzon expected them to be, as Gandhiji is again today entreating them to become; let them transform themselves into constitutional monarchs even as the British sovereign is, extend to their people the same elementary political rights as are enjoyed by their neighbours in British India; and they may then, if they can, win the goodwill and confidence of the electors and become the moulders of the destiny not only of their subjects but of the whole of India. That is the greatest service that they can render in the present crisis to themselves, their country and the Paramount Power to whom they have sworn undying loyalty.

Segaon, 9-1-'40

## A DOUGHTY DEWAN

Sir C. P. Ramaswami Iyer, the doughty Dewan of Travancore, has added another feather to his cap by his recent press interview in reply to Gandhiji's statement on the result of his talks with the Viceroy. He has taken strong exception to Gandhiji's remark that the Princes being vassals of the British Crown can not claim a status superior to the Crown itself, and that when the Crown parted with the power it enjoys today over the whole of India, they must look to its successor, i. e. the people of India, for the preservation of their status. 'It is not correct to say,' declared the Travancore Dewan, 'that the States have no status apart from the Crown. Many States have maintained an independent existence for hundreds of years, and some States, including Hyderabad and Travancore and many of the Rajput and other States, have never been conquered..... It cannot be asserted that, if the Crown parts with power today, the Princes also have to do so. Nor can there be an automatic transference of allegiance or obligations or rights to some other political entity excepting on the basis of fresh understandings and new treaties. On the other hand, if the Crown withdraws from India, the Indian States presumably will reassume the position they occupied in India before the treaties were entered into.' Sir C. P. Ramaswami Iyer is a keen constitutional lawyer and is expected to be careful about his facts. One can, therefore, only infer that in his eagerness to contradict Gandhiji and maintain an untenable position he has permitted wishful thinking to get the better of his historical sense.

Let us recapitulate the facts, not as Sir C. P. would fain have us believe but as they are recorded in history. Travancore entered the treaty map in the year 1795, when it agreed to maintain a subsidiary force within its territory. Additions were made to the 1795 treaty in 1805 as 'the intentions of the original treaty were not fulfilled.' Article 9 of the treaty of 1805 ran thus:

*'His Highness hereby promises to pay at all times the utmost attention to such advice as the English Government shall occasionally judge it necessary to offer in view of the economy of finance, better collection of his revenues, the administration of justice, the extension of commerce, the encouragement of trade, agriculture and industry or any other objects connected with the advancement of His Highness' interests and the happiness of the people.'*  
(Italics mine.)

The treaty also stipulated for the Company assuming the government of the country 'if the subsidy should not be regularly paid.' The British control was resented by the State, and in 1809 the Dewans of Travancore and Cochin combined to offer armed resistance to the British. 'A military force was despatched by the Madras Government and the rising was quelled with excessive severity. The Dewan fled when beaten, and killed himself. His body was gibbeted at Trivandrum.'\*

It is idle to pretend in the face of this that the treaty relations of Travancore with the Crown are of a contractual nature as between equal sovereigns that cannot be set aside or altered by unilateral action on the part of the Crown. No less relevant is the fact that, irrespective of the original terms of the treaties, half a century of sufferance and political practice has reduced all States, big and small, to a position of

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\* Wilson: *Mill's History of India*, p. 256-57.



'subordinate co-operation' in relation to the British Crown. As Lord Reading reminded the Nizam in his celebrated letter to the latter, 'No ruler of an Indian State can justifiably claim to negotiate with the British Government on an equal footing. Its supremacy is not based only upon treaties and engagements, but exists independently of them.' Thus the theory of unconquered independence, and the claim that Sir C. P. has based upon it for the State he represents, fall to the ground.

Equally untenable is the contention that the allegiance of the Princes is to the British Crown in person and cannot be transferred to the would-be Dominion Government of India without the Princes' consent. As has very pertinently been pointed out, although in *law* the relations of the Indian States are with the Crown, the British Constitution and its Indian auxiliary are so built that the *theory* of Crown relations has no other way of expressing itself than in the *practice* of Government-of-India relations. From the early days of the Company it has been the Government of India, and the Government of India alone, that has dealt with Indian Princes and Indian States. The British Government has claimed as one of its Suzerain attributes the unfettered right to interpret Suzerainty and determine the range of its activities. It has never held itself as being under any obligation to consult the States about any arrangements concerning their future. It did not consult them when it made its first declaration of Paramountcy in 1860 on taking over the governance of India from the hands of the Company. It did not consult them when, by the Royal Titles Act of 1876, His Britannic Majesty was declared the Emperor of India, nor again when the Interpretation Act of 1889 was passed providing a statutory basis for Suzerainty. May one ask, on what principle of law, when a 'contract' may be performed by an agent, can the choice of the

agent be made to rest not with the principal but with the other party to the 'contract'? In the natural course of events it is the would-be Dominion Government of India that will inherit and exercise all the prerogatives and functions that the Government of India today exercises either in its own right or under delegated authority of the Crown, just as the Government of India exercised all the Company's powers when it succeeded the latter in 1858. Moreover, it must be remembered that in constitutional parlance the Crown is only a convenient expression for the King-in-Parliament. The British Constitution does not recognize any limitation upon the supremacy of the Parliament. A statute of Parliament in a crisis like the present can, and would necessarily have to, cede the exercise of Paramountcy to ministers responsible to an Indian legislature. As Professor Keith has pointed out :

'It is impossible for the Crown's advisers to contend that the peoples of States shall be denied the rights of Indians in the provinces, and it is their clear duty to advise the King-Emperor to use this authority to secure that Princes shall enter upon constitutional reforms which will result at no distant date in securing Responsible Government therein. No Federation can be deemed in the interest of India, if in it representatives of the people of the provinces are compelled to sit with the nominees of irresponsible Rulers. There is, in fact, no answer to Mr. Gandhi's claim that the Princes are bound to follow the Crown in its transfer of authority to the people.'

The choice before the Princes, as Sir Samuel Hoare declared in the course of the Government of India Act debate in the House of Commons, is that they must either continue in a state of vassalage under the Paramountcy of the Crown which refuses to be defined and whose scope is therefore infinite; or they may share the honour and privilege with their compa-

triot's of shaping India's destiny, on a footing of perfect equality and camaraderie by coming into the national assembly as their people's representatives. There is no other way of escape from the ceaseless operation of Paramountcy. The more they have of Federation and representative government in the States, the less will they come under Paramountcy. To contend that the past and present Governments of India were acceptable to the Princes because they were essentially foreign in their composition and not responsible to the Indian electorate, and that the future Government of India will not be acceptable because it will be responsible to their own countrymen, is neither dignified nor patriotic. It smacks of a snobbishness which, one hopes, the Princes will, for their own good name, quickly repudiate.

But the very idea of the States passing under the paramountcy of the Indian people is to Sir C. P. like a red rag to a bull. He seeks refuge from it in the pastoral past of his own imagining and airily remarks that, in the event of the Crown withdrawing from India, the States will presumably reassume their independent existence which they enjoyed before the treaties were entered into. The statement is understandable only as an outpouring of lyrical exuberance. It is wrong both in fact and in inference. In the first place, the 'independent existence' of the States, to which Sir C. P. harks back, is apocryphal, existing only in his imagination. The Butler Committee trenchantly pointed out in its Report, 'It is not in accordance with historical fact that when the Indian States came into contact with the British Power they were independent ..... In fact none of the States ever held international status. Nearly all of them were subordinate or tributary to the Moghul Empire, the Maratha Supremacy or the Sikh Kingdom, and dependent on them. Some were rescued, others were created by the British.' In the second place, with all deference to

Sir C. P.'s claims as a practical 'statesman', one may venture to point out that one cannot wipe out a whole crowded era of political development and force back the course of history by a century and a half as Sir C. P. seems to be intent upon doing. It is no more possible to revert to the status that the States held before they entered the treaty map than, for instance, it would be to resurrect the Sultan of Mysore from whose 'clutches' Travancore was 'extricated' by its entry into the subsidiary system. Much water has flown under the bridges since those bygone times, and the entire population of a State can no longer be treated or disposed of as a mere pawn in the political game, without any regard to its wishes or political aspirations. To think of doing so only betrays a medieval outlook, utterly out of keeping with the spirit and temper of the present age of democratic ideals and self-determination. It is the will of the people alone that must prevail in deciding their future.

Segaon, 12-2-'40

## PRINCELY EXTRAVAGANZA

## I

In the course of his speech at the recent meeting of the Chamber of Princes, the Maharaja Saheb of Bikaner is reported to have said :

‘It has been alleged in Congress circles that the Princes are an imperial creation, that they are vassals of the Crown and have no status apart from the Crown, that the question of the States is a red herring drawn across the path of India’s progress for imperialistic purposes, that the problem of the States is a bogey raised by the British Government. . . . I may here be permitted to state that many States, big as well as small, owe their existence to the strong arm of their former Rulers and that too before the establishment of the British Empire in India. Their claims cannot be dismissed in this airy fashion which ignores irrefutable historical facts. . . . If one might point out in all friendliness, it is British India which is the creation of the British Government.

‘The allegation has also been made that the Princes are unfriendly to the Congress. But that is not a correct statement of the situation. It is the Congress, however, which has of late shown active hostility to the States, and some of its prominent spokesmen have expressed the view that they do not want the States in the Federation, and that they would tear the treaties of the States as if they were scraps of paper and even that they would like to see the States done away with.’

### Not an Imperial Creation?

Unfortunately, this kind of extravaganza has become but too common of late in Princely utterances. The description of the constitutional position of the Princes in relation to the Paramount Power as 'vassalage' or 'subordinate co-operation', one may in all respects point out, is not of Congress coining. It was laid down by the duly appointed representatives of the very imperialist order to which, the Maharaja Saheb of Bikaner has declared times without number, the Princely Order are proud to belong.

As for the other statement to which the Maharaja Saheb took exception, viz. that the Princes are an imperial creation, the very definition of Indian States in the Government of India Act of 1935 is significant. It runs: 'Indian State means any territory, not being part of British India, which His Majesty recognizes as being such a State, whether described as a State; an estate, a Jagir or otherwise.' In other words, their status is made to depend purely on 'recognition by His Majesty.' The history of British relationship with Princely India is littered with instances of States that were made or unmade, of zamindaris being elevated to chiefships and *vice versa*, by a breath of the imperial power according to the shifting needs of its policy. Take the case of the Tributary Mahals of Orissa, 26 in number, which collectively cover an area equal to that of an Indian Province and affect the destinies of 46 lakhs of population. We have it on the highest authority that 'there was nothing in the nature of the connection of Government with the proprietors that would preclude their being brought under the ordinary jurisdiction of the courts if it should ever be thought desirable,'<sup>1</sup> when they first came into relation with the British Government in 1803-1804 on the cession

<sup>1</sup> *Report of the Constitutional Position of the States in Bihar and Orissa and the Central Provinces*, By Mr. A. C. Lothian I. C. S. (1932), Para 28.

of Orissa by the Marathas. But in the Regulations of 1805 all these States, except Baud, Pal Lahara and Athamallik 'of which no mention was made', were exempted from the Bengal Regulations 'on grounds of expediency alone'. The process was repeated in C. P. where 'sound policy suggested the establishment. . . . of a succession of Rajput chiefships *as barriers to the revival of Maratha sovereignty* which the Peshwa had finally resigned in 1818.' And so, every part of this large tract, 'in which civil and predatory war had obliterated all political landmarks, was placed under some constituted authority; and thus from the wreck there emerged no less than 145 chiefships, which are now recognized and placed under the Governor-General's Agent in Central India.'<sup>1</sup>

In Kathiawad, after a prolonged controversy, in which three members of the Government of Bombay, including Sir Bartle Frere, the then Governor of Bombay, laid it down as their considered and definite opinion that Kathiawad was British territory, and the Government of India, in their despatch dated 14th April 1864, to the Secretary of State for India, recommended that the matter might be referred for final decision to law officers of the Crown, the question was in the end decided arbitrarily. 212 States were newly created, leaving aside 12 first and second class States which formerly existed. The principle followed in assigning a particular class to a particular chief was the number of villages he possessed, his income, and his other status. 'Even landholders possessing one or two entire villages were placed in the sixth and seventh class.' It appears that in the course of time, of the newly created 212 States, those of the lower classes from fifth to seventh gradually disappeared through a process of sub-division of their estates among their sons in succession and they were

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<sup>1</sup> Lee Warner: *Protected Princes of India*, p. 108.

reduced to mere peasantry. Some of them were found absolutely incompetent to exercise their powers, and they were all deprived of their powers. [Vide papers regarding Keating's Classification and paper book Privy Council in *Hemchand v. Sakarlal* (1936), appeal cases, p. 237.]

Now take the reverse. The total number of States in *The Imperial Gazetteer* Vol. IV of 1907 is given as 693. But the list for 1925 contains only 562 States, the smaller figure for 1925 being due chiefly to the reduction of States from 148 to 89 in Central India Agency, from 52 to nil in Burma, and from 26 to 1 in Assam. Even the powerful Rajas of Jodhpur, Bharatpur, etc., we find, show a history of variations in their status that is startling.<sup>1</sup>

Further instances can be multiplied. It will thus be seen that the statement that the Princes are an imperial creation, is, in a very large number of cases out of the total 562 that comprise Princely India, literally and historically true. But the statement is true in another sense too. Pax Britannica has deprived the States' people of their 'natural right to have capable and vigorous rulers.' The system of rule obtaining in the States today has neither the essential qualities of autarchy nor the constitutional sanctions of the

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1. 'Even the powerful Rajas of Jodhpur and Bharatpur etc. were called Zamindars by the Moghul Government, down to the latest period, and we know the nature of their tenures. They were bound to attend in succession on the person of the Emperor at the head of a fixed quota of troops, their own countries were and are still subdivided into the lands of their military retainers or Thakores or the revenue lands, on the same principle that prevailed under the Hindu Government in the Empire at large.' (A. Sterling: *An Account Statistical, Geographical and Historical of Orissa proper or Cuttack.*)



popular system of government, but is, *sui generis*, a by-product and mainstay of the Imperial system in India.

### 'Strong Arm'—an Illusion

The Maharaja Saheb in his speech referred to the 'strong arm' of the ancestors of some of the present rulers of the States big and small, to which, he contended, they owed their existence. Without wishing in the slightest way to detract from the glory of the house of Bikaner which is admittedly one of the most exalted in Princely India, one may be permitted to cross the t's and dot the i's of the Maharaja Saheb's statement. The first treaty between Bikaner and the British Government was concluded on March 9, 1818, the request for Treaty in 1908 being not granted. Under it the latter

'Engaged to protect the principality, while the Maharaja and his successors agreed to act in subordinate co-operation with the British Government and acknowledge its supremacy. By article 5 the Maharaja and his successors agreed not to commit aggression on any one.

By article 7 *the British Government undertook to reduce to subjection the Thakores and other inhabitants who had revolted and thrown off his authority. The Maharaja undertook to pay all the costs* (Italics mine)

In 1830 the British Resident had made preparations to send forces to Bikaner to assist the chief in reducing the rebellious nobles. The chief was however given to understand that he had no right to call on the British Government for military aid against his disaffected subjects at any future period.' (Atchison's Treaties vol. III, p. 337)

'In 1871 discontent arose, the State was in debts and exactions of the Maharaja to increase the revenue gave rise to acute unrest. The Thakore left Bikaner and took refuge in British territory. A British

officer was deputed to make inquiries and to adjust the differences between the Maharaja and his nobles.

In 1883, the affairs of the State relapsed into confusion, a resident Political Agent was appointed to Bikaner, and the Maharaja was required to conform to certain conditions so as to ensure to the political officer the power of removing the abuses and of controlling the administration.' (*Ibid*)

One wonders whether these cullings would be included by the Maharaja Saheb under the category of 'irrefutable historical facts' by which he swears. But if they are any guide, it would seem that the fortunes even of the illustrious house of Bikaner have depended less on the 'strong arm' of its previous rulers than upon the shifting exigencies of the Imperial policy. To quote the Butler Committee's report again:

'It is not in accordance with historical facts that when the Indian States came into contact with the British power they were independent. Some were rescued, others were created by the British... Through paramountcy and paramountcy alone have grown up those strong...relations... on which at all times the States rely for their preservation through the generations that are to come. Through paramountcy is pushed aside the danger of destruction and annexation.' (*Butler Committee's Report*)

## THE IMPERIAL GAME AND THE STATES

Government policy of the Princes has undergone several gyrations at different periods of its history. But the one primary consideration that runs like a connecting thread through it all has been the strengthening and perpetuation of the Imperial hold on India. The three distinct phases through which it has passed have been described as those of 'Ring Fence', 'Subordinate Isolation', and 'Subordinate Union'. From the point of view of the States these may more fitly be characterized as those of 'Britain's security', 'Ascendancy', and 'Empire'.

### 'Safety First'

During the first phase (1765-98) the guiding consideration was the safety and permanence of Britain's position in India. The Company was as yet struggling for bare existence. It was surrounded on all sides by powerful rivals and adversaries. It therefore naturally looked for friends and helpers from among local potentates. Its policy towards them had to be one of 'fraternizing ingratiating reciprocity.' Clive (1758-67) 'sought the substance of territorial power under the fiction of a grant from the Mughal Emperor.'<sup>1</sup> Warren Hastings (1772-85), 'like other British administrators of his time, started with a conviction of the expediency of ruling with the aid of the Native Power.'<sup>2</sup> Both Cornwallis (1786-93) and Sir John Shore, who brought this period to a close, were advocates of the policy of 'non-intervention'. The

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<sup>1</sup> *Imperial Gazetteer*, Vol. II, p. 429.

<sup>2</sup> *Ibid*, Vol. II, p. 482.

idea was to create an insulating belt of friendly powers and, so far as possible, to remain within a 'ring fence' of powers thus won over. There was a general dread of entanglements.<sup>1</sup> And so we find in 1784 an Act of Parliament declaring that 'to pursue schemes of conquest and extension of dominion in India are measures repugnant to the wish, honour and policy 'of this nation.' The prohibitory injunction was repeated in the Charter Act of 1793. The treaties concluded in this period are based on the principle of non-intervention and abound in such expressions as 'mutual amity,' 'friendly co-operation', 'reciprocal obligation', 'perpetual friendship', 'firm alliance', etc.<sup>2</sup>

### Power above All

It was, however, soon felt that unless the Company could draw the neutral Princes beyond the 'ring fence' to itself and reduce them to subservience by diplomatic negotiation, its adversaries might do so and the security afforded by the 'ring fence' might be jeopardized. Without ascendancy there was no security. Domination thus became the key-note of the second phase of its policy (1798-1858). Lord Wellesley, who saw this, determined to establish the ascendancy of the British Power over all other States in India by a system of subsidiary treaties 'so framed as to deprive them of the means of prosecuting any measure or of forming any confederacy hazardous to the security of the British Empire, and to enable us to preserve the tranquillity of India by exercising a general control over the restless spirit of ambition and violence which is characteristic of every Asiatic Government.'<sup>3</sup>

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1 *Ibid.*, Vol. II, P. 488.

2 *Ibid.* Vol. II, p. 192.

3 The Udaipur Treaty of 1818 is illustrative of this policy. By Article 2 'The British Government engages to protect the principality and territory of Udaipur.' Article 3 lays down that 'the Maharaja will always act in

Lord Wellesley's policy was carried a step further by Lord Hastings (Earl of Moira) (1814-23). He intensified and systematized the practice introduced by Lord Wellesley.<sup>1</sup> 'Opposed as he certainly was to annexation, he felt that the true position of the States in the interior of India was one of isolated and subordinate co-operation.' The motive behind this policy was twofold: (1) combinations should be made impossible among the Princes; (2) they should be rendered incapable of even independent self-defence. Peace and protection were offered to those who engaged to live 'secluded and innocent'. The idea was so to weaken and demoralize them that they should cease to be a menace to the British Power. Residents were sent to the various courts. Instead of acting in the character of ambassadors they assumed the functions of dictators, interfered in all their private concerns, countenanced refractory subjects against them, and made 'the most ostentatious exhibition of their exercise of authority.' Not that there was felt any real concern for the States subjects. On the contrary, Lord Hastings deprecated intervention as a 'breach of faith' and ridiculed solicitude on the part of the British for the subjects of a 'Native State' as 'quixotic'. The Princes were in outward form at least to be absolute masters of all within their territories, unquestioned and undisturbed, but only *within*.

### Fishing for Excuses

This policy of 'subordinate isolation cum non-intervention' had, however, some unexpected repercussions. As early as 1805 Lord Cornwallis,

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subordinate cooperation with the British Government and acknowledge its supremacy and will not have any connection with other chiefs and states.' Article 4, again prohibits any negotiation with other States without the sanction of the British Government.

1. Private Journal of Marquis of Hastings (1814)

during his second term of office, had ruefully noted that 'the States which were most intimately connected with us were reduced to the most forlorn condition, that these powers possessed no funds or troops on which they could depend, that anarchy and disaffection prevailed universally throughout the dominions.' Before long, predatory gangs overran the face of the whole country and threatened the peace of the Company's territories. In short, the neighbourhood of British India became both unsafe and disreputable.'

As the external menace disappeared 'allies' were no longer needed who were more a liability than an asset, and the policy of non-intervention was given up in favour of active intervention and annexation. Lord Dalhousie laid down the dictum that 'the British Government is bound not to put aside or neglect such rightful opportunities of acquiring territory or revenue as may from time to time present themselves.' And since some colourable excuse was necessary to justify such a course, the British administrators from regarding solicitude for the subjects of the 'Native States' as 'quixotic', began now to appear in the role of disinterested humanitarians and 'champions of the oppressed States subjects'. The patronage was transferred from the Princes to their people. Lord William Bentinck's annexations were nearly all 'punishments for misrule'. Hardinge talked of the 'stigma of tolerating oppression, which the British Government cannot submit to'. Lord Dalhousie regarded his annexations as simply 'assignments made to the Company by Providence itself in its denial of natural heirs to vacant thrones'. But they were also a means of 'insuring to the population of the State a perpetuity of just and mild Government!'

### Consolidating Gains

The rising of 1857 marked the beginning of the third phase. The Crown of England had emerged from the maelstrom as the unquestioned ruler and

Paramount Power. The question was now to consolidate the foundations of its authority. This called for a reversal of the annexationist policy of Lord Dalhousie. It had been objected that, if the policy of perpetuating the States' rule by the grant of 'adoption sanads' was accepted, it would cut off 'further opportunities of accession of territory'. To this Lord Canning's reply was:

'I regard this not as an objection but as a recommendation. Our first care should be to strengthen that rule within its present limits, and secure for our general supremacy the contented acquiescence and respect of all who are subjected to it; the supremacy will never be heartily accepted and respected so long as we leave ourselves open to the doubts which are now felt, and which our uncertain policy has justified, as to our ultimate intentions towards Native States. We shall not become stronger so long as we continue adding to our territory without adding to our European force; and the additions to that force which we already require are probably as large as England can conveniently furnish, and they will certainly cost as much as India can conveniently pay. As to Civil Government, our English officers are too few for the work they have in their hands, and our financial means are not yet equal to the demands upon us.'

#### As 'Breakwaters' to Storm

'The safety of our rule,' he argued, 'is increased, not diminished, by the maintenance of native chiefs well affected to us.' He recalled how during the troublous and anxious days of 1857-58 'these patches of native government served as breakwaters to the storm which would otherwise have swept over us in one great wave.' 'And in quiet times they have their uses. Restless men who will accept no profession but arms, crafty intriguers bred up in native courts, and others who would chafe at our

stricter and more formal rule, live there contentedly; and should the day come when India shall be threatened by an external enemy, or when the interests of England elsewhere may require that her Eastern Empire shall incur more than ordinary risk, one of our best mainstays will be found in these native states. But to make them so, we must treat their chiefs and their leading families with consideration and generosity, teaching them that, in spite of all suspicions to the contrary, their independence is safe, that we are not waiting for plausible opportunities to convert their territory into British territory, and convincing them that they have nothing to gain by helping to displace us in favour of any new rulers from within or without.

'It was long ago said by Sir John Malcolm that, if *we made all India into Zillahs (or British districts)*, it was not in the nature of things that our empire should last fifty years, but that, if we could keep up a number of native states, without political power, but as royal instruments, we should exist in India so long as our naval superiority in Europe was maintained.' (*Italics mine*).

Sevagram, 8-4-'40



## ‘DIVIDE AND RULE’

And so the policy of ‘subordinate union and co-operation’ was launched. ‘The Prince was granted possession and administration but not sovereignty, and his possession was made conditional on his remaining faithful in allegiance and subordination to the Crown.’<sup>1</sup> Treaties hereafter were no longer concluded on terms of equality. Older treaties were not revised or abrogated. ‘Instead, the milder and less provocative device of constructive interpretation was relied upon.’<sup>2</sup> Difficulties and apparent contradictions involved in this policy were vividly described by Lord Elgin who succeeded Lord Canning (1862):

‘If you attempt to crush all superiorities, you unite the native population in a homogeneous mass against you. If you foster pride of rank and position, you encourage pretensions which you cannot gratify, partly because you dare not abdicate your own functions as a Paramount Power and partly because you cannot control the arrogance of your subjects of the dominant (sic) race. Scindia and Holkar are faithful to us in proportion as they are weak and conscious that they require our aid to support them against their own subjects and neighbours. My own opinion is that Canning never intended to let the chiefs get the bits into their mouths, or to lose his hold over them. It is true that he rode them with a loose rein, but the pace was so killing that it took the kick out of them and a light hand and silken thread were all that was required. His policy of

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1 Keith: *A Constitutional History of India*, p. 217.

2 *Ibid*, p. 217.

deference to the authority of the Native Chiefs was a means to an end, the end being the establishment of British Raj in India; and when the means and the end came into conflict, or seemed likely to do so, the former went to the wall.'

### A Dutch Auction

Here we have an authoritative statement of the time-honoured British policy of 'divide and rule' propounded with a Machiavellian skill and frankness that takes one's breath away. Lord Curzon's insistence on 'efficiency' and his dictatorial manner with the Princes, however, introduced a 'rift in the lute' at a time when 'the Government of India was beginning under political pressure to contemplate utilizing their services to counter revolution.'<sup>1</sup> Wrote Lord Minto, his successor, to Lord Morley (May 28, 1906): 'I have been thinking a good deal lately of a possible counterpoise to Congress aims. I think we may find a solution in the Council of Princes.'

The latter demanded their price and had to be propitiated.<sup>2</sup> Lord Minto and his successors, while

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1. Keith: *A Constitutional History of India*. p. 218.

2. Compare the following in support of the claim put forward by the Bhavnagar Darbar for the withdrawal of the plenary jurisdiction which, it was complained, the British authorities had unfairly established over the Bhavnagar State Railway: 'one of the ironies of the thing is that the Princes, who have taken a stern line against the spread of sedition by agitators from British India are debarred from loyal action. The situation was summed up in 1918 by the Maharaja of Bhavnagar:

'With the control of the police of my railway taken away from me, any agitationwalla or mischiefmonger from Ahmedabad or any other part of the country, can make use of my own railway to travel and come up to

asking for the abolition of the States, the Congress has offered a solution which will not only restore to the States a reality and a vitality which, on their own admission, Pax Britannica has robbed them of<sup>1</sup> but will give to their rulers, as constitutional monarchs, a status of honourable equality in a free India.

Sevagram, 8-4-'40

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1. Compare the following from a statement from the Chamber of Princes:

'Protection (by the British) was from the first no unmixed blessing to them (Princes) as autocratic rulers... It detracted from the merits of autocracy as a system of government. An autocrat justifies his despotical rule, if he retains his power by his own personality and ability, but not otherwise.....*The 'blessing' of external protection removes what is perhaps the greatest incentive to able administration,—the ruler's fear of his own subjects, if he does not give them satisfaction. It is a Greek gift which indirectly has done more than anything else to keep the Indian Princes and their States from progressing at the pace of British India.*"—(*The Crown and the Indian States*, p. 119-120.) (Italics mine.)





